

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2016/2017

BLR 3084 – LABOUR AND INDUSTRIAL RELATIONS

(All Sections/Groups)

13th OCTOBER 2016

9.00 a.m – 11.00 a.m

(2 Hours)

INSTRUCTIONS TO STUDENTS

1. This question paper consists of 4 pages, inclusive of the cover page
2. Answer **ALL FOUR (4)** questions.
3. Marks are shown at the end of each question.

ANSWER ALL QUESTIONS**QUESTION 1**

Explain the differences between contract of service and contract of service. Why is such a distinction important? Support your answer with statutory provisions and decisions of the courts where applicable.

(25 Marks)

QUESTION 2

Boris has been working with Wimbledon Tennis Sdn Bhd (“the Company”) as a human resources manager for the past 10 years, earning a salary of RM 1 500.00 per month. He has been a diligent administrator although he could get careless sometimes in carrying out his duties.

On 15th of May 2016, during a stock-taking exercise, the Management of the Company discovers that a laptop assigned by the Company to the Human Resources Department was missing. Boris is called in by Andre, his immediate superior and is asked for an explanation. Boris tells Andre that the laptop is assigned to his assistant, Steffi, who is away on maternity leave. Dissatisfied with his explanation, Andre suspends Boris immediately with half-pay until further notice.

On 31st of May 2016, Boris receives a letter from the Company that a domestic inquiry (“DI”) is convened against him for alleged misconduct relating to the loss of the property of the Company. He is asked to present himself at the hearing which is to be held on the 14th of June 2016. On the night of 2nd of June 2016, however, Boris receives a phone call from Andre instructing him to come to the office the following morning at 10.00 a.m. as the DI has been brought forward due to one of the panel members having to leave overseas for a holiday on the 10th of June 2016.

Continued....

Boris then goes to the DI with his colleague, John. John is stopped from attending the DI proceedings. Boris discovers that the DI had commenced at 9.00 a.m, instead of 10.00 a.m. Andre, who is in charge of the investigations against Boris, had already presented the case against Boris and had submitted evidence by Monica, the Office Administrator who allegedly discovered the loss of the laptop and brought it to Andre's attention. Boris requests a postponement of the DI as first, he is caught unawares and secondly, he needs to call Steffi as his witness and she is still on maternity leave. The panel, headed by Roger who is Boris's immediate assistant, refuses his request. Boris, understandably upset, refuses to participate in the proceedings and walks out of the DI. The hearing continues in his absence.

On the 15th of June 2016, Boris receives a letter from Company stating that the DI has found him guilty of the charge of misconduct and is dismissed with immediate effect from the Company. He also finds out from his contacts in the Company that Roger has now taken over his position.

Advise Boris. Your answer should be supported by cases, where applicable. issues.

(25 Marks)

QUESTION 3

Set out the legal requirements under the Employees' Social Security Act 1969 which entitle an employee to claim benefits for injuries arising out of accidents. You should cite statutory provisions and requisite case-law.

(25 Marks)

Continued....

QUESTION 4

Employees of the General Foods Manufacturers are thrilled that they have obtained official registration of their trade union from the Registrar of Trade Unions. They now wish to enter into collective bargaining with the Employer.

Explain to them what is collective bargaining and any six (6) pre-requisites that they need to fulfil before they can enter into the process of bargaining.

(25 Marks)

(TOTAL: 100 Marks)

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